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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,114	09/28/2006	Michael A. Hoopes	18801-00733	9365
7590 08/01/2008				
Robert H Earp III McDonald Hopkins Company 2100 Bank One Center 600 Superior Avenue East Cleveland, OH 44114-2653				
EXAMINER				
WINNER, TONY H				
ART UNIT		PAPER NUMBER		
3611				
MAIL DATE		DELIVERY MODE		
08/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,114

Applicant(s)

HOOPES ET AL.

Examiner

Tony H. Winner

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 10 and 22 is/are allowed.
6) ☒ Claim(s) 1, 3-9 and 11-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 7/20/06
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Acknowledgment

1. Receipt of the preliminary amendment filed 10/21/05 has been acknowledged and entered. Claims 2, 21, and 23-32 have been canceled. The IDS is objected to because a copy of a PCT written report is not provided by the Applicant.

Drawings

2. The drawings are objected to because the height (H) and tread (T) of first step are not labeled in the drawings. Also, designation (24) of figure 3 is missing a line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 3-13 and 17 are objected to because of the following informalities:

Claims 3-13 are improper dependency of a cancelled claim 2.

Regarding claims 13 and 17, the Examiner is unclear with the term "over center" use in respect with the linkage and jaw structure. The specification briefly mentioned the words "over center" but not clearly define it. Please clarify.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 7-9, and 11-20 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy (USPN. 5,529,329) in view of Daniels (USPN. 3,251,609).

McCoy discloses a fifth wheel hitch assembly, the structure comprising:

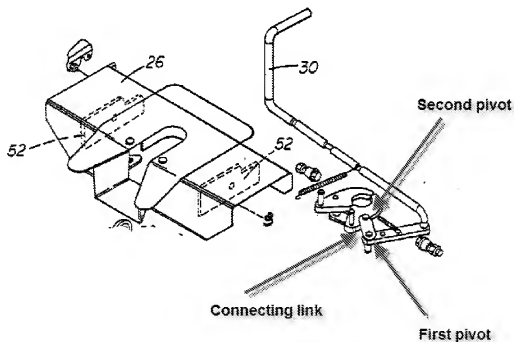
- a. a base assembly (12);
- b. a head assembly (26) connected to said base assembly, said head assembly

having a slot (cut away portion of element 52 of figure 2); and

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c. a jaw assembly (28) connected to said head assembly, said jaw assembly comprising:

- i. a jaw body having a bearing surface for engaging a king pin of a trailer;
- ii. a control handle (30) having a notch that is engageable with said head assembly by shifting said control handle transversely in said slot; and
- iii. a connecting link (figure 2) , said connecting link being pivotally connected to said control handle by a first pivot pin and to said jaw body by a second pivot pin.



McCoy lacks stepped bearing surface with regard to the jaw body.

Daniels discloses a tractor-trailer coupling assembly wherein the jaw body includes stepped bearing surface or reduced radius so that jaw may enter into reduced portion on king pin, thus providing better locking engagement.

Therefore, it would have been obvious to one skilled in the art to modify the jaw body of McCoy to include the reduced radius (stepped bearing surface) as taught by Daniels, for the reasons set forth above.

Regarding claims 3 and 4, McCoy as modified by Daniels discloses the head assembly includes a skid plate and a mounting platform with the jaw body pivotally mounted on the platform by third pivot (adjacent second pivot).

Regarding claims 8, 11-13 and 17-20 McCoy as modified by Daniels discloses all of the claimed limitations.

Regarding claims 14-15, McCoy as modified by Daniels discloses the claimed invention except for the ranges of height and tread of the first and second steps. It would have been obvious to one having ordinary skill in the art at the time the invention was made to optimize the ranges of height and tread such that it would allow the device to fit a wider range of application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy as modified by Daniels and further in view of Schuettenberg (USPN. 6,109,642).

McCoy as modified by Daniels is disclosed above but lacks the teaching of grease fitting.

Schuettenberg discloses the use of grease fitting on a king pin and saddle assembly so as to provide lubrication to rotational elements of the saddle.

Therefore, it would have been obvious to one skilled in the art to modify the jaw body of McCoy to include the grease fitting (grease zerk) as taught by Schuettenberg, for the reasons set forth above.

McCoy as modified by Daniels and Schuettenberg is disclosed above but lacks the grease zerk access aperture provided in the skid plate. However, the Examiner takes position that by adding an aperture on the skid plate to allow access to the grease zerk would have been obvious to one having ordinary skill in the art.

Allowable Subject Matter

6. Claims 10 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on Monday-Friday from 9:30 am to

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6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (571) 272-6651. The fax phone number for the organization where this application or proceeding is (571) 273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6584.

/Tony H. Winner/
Primary Examiner, Art Unit 3611
July 29, 2008